IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.469 OF 2003

WITH

CIVIL APPLICATION NO.715 OF 2003

Appasaheb Suryappa Deshinge & Ors. ...Appellants

Versus

Appanna Aba Bargale,
(since deceased, through his
legal heirs)
1A.Sou.Padabai w/o.Appanna Bargale
& Ors. ...Respondents

.....

Mr.Umesh Mankapure i/b Mr.R.V.More for Appellants.

Mr.Rahul Walvekar for Respondents 1B to 1F.

.....

CORAM: A.M.KHANWILKAR, J.

MAY 3, 2006.

P.C.

1. As per the office note, Appeal stood dismissed as per the conditional order dated 9th January 2006. However, the same was wrongly placed for admission on 19th April 2006 and was adjourned

as it did not reach for hearing on that date.

2. As the Appeal already stood dismissed on account of self operative conditional order, it was unnecessary to place the matter on Board before the Court. Merely because the order dated 19th April 2006 records that the matter is adjourned, matter cannot be revived, unless necessary steps are taken by the Appellants.

3. Office to ignore order dated 19th April 2006 and treat the Appeal as dismissed for non-prosecution in terms of order dated 9th January 2006. Papers be consigned to record unless appropriate steps are taken by the Appellants to recall the said order.

A.M.KHANWILKAR, J.